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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on:

Date: June 4, 2001

By John A. Williams

PATENT

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

Applicant(s): Sharma Docket No.: 20944.9000
Client No: 98RSS217

Serial No.: 09/370,508 Art Unit No.: 1765

Filed: August 6, 1999 Examiner: Deo, D.

Title: INORGANIC ARC PROCESS INTEGRATION FOR DEEP SUBMICRON
EMBEDDED FLASH MEMORIES

RESPONSE AND PROVISIONAL ELECTION

Assistant Commissioner for Patents
Box Non Fee Amendment
Washington, D.C. 20231

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Dear Sir:

In response to the Office Action mailed May 3, 2001, please accept this response to the restriction requirement entered pursuant to 35 U.S.C. 121 for the above-identified application.

The Examiner has entered a restriction requirement for the following groups of inventions:

Group 1 — Claims 1-10, 14-17, drawn to method, classified in class 438,
subclass 689; and

Group II — Claims 11-13, drawn to a product, classified in class 257,
subclass 437.

Applicant respectfully traverses the restriction requirement; however, pursuant to 37 C.F.R. § 1.143, Applicant provisionally elects to prosecute Group I, claims 1-10 and 14-17, without prejudice to the filing of one or more divisional applications based on the subject matter of these claims.




In particular, the Examiner asserts that "In the instant case the product can be used for patterning a non-semiconductor device." Applicant submits that the Examiner has failed to provide reasonable examples that recite material differences. See M.P.E.P. 806.05(e). As a preliminary matter, however, Applicant assumes that the Examiner meant to state that the "method" can be used for patterning a non-semiconductor device, rather than "the product." First, other than the overly broad assertion that a non-semiconductor device could be made using the claimed method, the Examiner has cited no reasonable examples of a product, made by the claimed process, which is a non-semiconductor device.

Furthermore, to the extent that the Examiner's broad assertion can be considered an "example," it fails to recite a difference which is "material." Consequently, a proper and thorough search for any one of the independent claims would satisfy most, if not all, of the searching requirements for the remaining independent claims.

In view of the foregoing, Applicants respectfully submit that the Examiner's restriction requirement is improper. As applicant has convincingly traversed the erroneous restriction requirement, the burden has shifted to the Examiner to document a viable alternative process or product, or withdraw the requirement. M.P.E.P. 806.05(f).

The Examiner Reconsideration of this application pursuant to 37 C.F.R. § 1.143 is earnestly solicited and an indication from the Examiner that all of the claims will be considered for prosecution is requested. Should the Examiner wish to discuss any of the foregoing in greater detail, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,


Daniel R. Pote, Esq.
Reg. No. 43,011

Dated: June 4, 2001

SNELL & WILMER L.L.P.
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PATENT

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

RESPONSE TRANSMITTAL

Applicant(s): Sharma

Docket No.: 20944.9000

Serial No.: 09/370,508

Client No.: 98RSS217

Filing Date: August 6, 1999

Group Art Unit: 1765

TITLE: INORGANIC ARC PROCESS
INTEGRATION FOR DEEP
SUBMICRON EMBEDDED FLASH
MEMORIES

Examiner: Deo, D.

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir/Madam:

Attached herewith is a Response to the Office Action mailed on May 3, 2001 in the above-identified application.

FEE CALCULATION, CLAIMS AS AMENDED:

	Claims remaining after amendment		Highest number previously paid for		Present Extra		Additional Fee
Total Effective Claims	14	minus	20	=	0	x \$ 18.00 =	0.00
Independent Claims	3	minus	3	=	2	x \$ 78.00 =	0.00
If amendment enters proper multiple dependent claim(s) into this application for first time (per application)						\$260.00 +	N/A
						Subtotal	0.00



Fee Calculation Request for Extension of Time pursuant to
37 C.F.R. §1.136(a)

<input type="checkbox"/>	Response filed within first month after due date – add	\$ 110.00
<input type="checkbox"/>	Response filed within second month after due date – add	\$ 390.00
<input type="checkbox"/>	Response filed within third month after due date – add	\$ 890.00
<input type="checkbox"/>	Response filed within fourth month after due date – add	\$1390.00
<input type="checkbox"/>	Response filed within fifth month after due date – add	\$1890.00
	TOTAL:	

If one of the “small entity” boxes above is checked, enter half (½)
of the second subtotal and **subtract**.

Information Disclosure Statement Pursuant to 37 C.F.R. §§1.97-1.98

N/A

TOTAL ADDITIONAL FEE ENCLOSED


\$ 0.00

☐ Please charge Deposit Account No. 19-2814 in the amount of \$ _____.
A duplicate copy of this sheet is attached.

☐ Check No. _____ in the amount of \$ _____ is attached.

This statement does NOT authorize charge of the issue fee. The Commissioner is hereby authorized to charge any other fee specifically authorized hereafter, or any **deficiency** in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (**deficiency only**) now or hereafter relative to this Application and the resulting Official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-2814 for **which purpose a duplicate copy of this sheet is attached.**

Respectfully submitted,

By 
Daniel R. Pote
Reg. No. 43,011

Dated 6/6/2001

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